

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: January 29, 2004

Opposition No. 91155026
Opposition No. 91155050
Opposition No. 91155532
Opposition No. 91155580

Nexx Online Inc.

v.

NEXX LLC

Cheryl Goodman, Interlocutory Attorney:

Consolidation

It has come to the Board's attention through opposer's December 4, 2003 motion to extend, filed in all of the above proceedings, that the parties are involved in opposition proceedings involving related marks.

When cases involving questions of law or fact are pending before the Board, the Board may order the consolidation of the cases. Such consolidation may be ordered on the Board's own initiative. See Fed. R. Civ. P. 42(a); *Regatta Sports Ltd., v. Telux-Pioneer, Inc.*, 20 USPQ2d 1154 (TTAB 1991); *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991); and TBMP Section 511.

The Board has reviewed each of the above-identified proceedings and determined that each proceeding involves

the same parties, similar marks and services and at least some of the same questions of law and fact. The Board finds it appropriate to consolidate the above-identified proceedings.

Accordingly, Opposition Nos. 91155026, 91155050, 91155532 and 91155580 are hereby consolidated. Although each proceeding retains its separate identify, the cases may be presented on the same record and briefs. The record will be maintained at the Board in Opposition No. 91155026 as the "parent" case, but all papers filed in these cases should include all proceeding numbers in ascending order.

Extension request in Opposition No. 91155050

Opposer's consented motion to extend, filed December 4, 2003, is granted. Trademark Rule 2.127(a).

Suspension

In view of the parties' settlement negotiations, proceedings herein are suspended until six months from the mailing date of this action, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

In the event that there is no word from either party concerning the progress of their negotiations within the next six months, the Board will issue an order resuming

consolidated proceedings and resetting trial dates, commencing with plaintiff's testimony period.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.